



CITY COUNCIL

AGENDA REQUEST

AGENDA OF:	05-25-10	AGENDA REQUEST NO:	III-E
INITIATED BY:	DOUG BRINKLEY CHIEF OF POLICE	RESPONSIBLE DEPARTMENT:	POLICE DEPARTMENT
PRESENTED BY:	SCOTT SCHULTZ ASST. CHIEF OF POLICE	DEPARTMENT HEAD:	DOUG BRINKLEY <i>DB</i> CHIEF OF POLICE
		ADDITIONAL DEPARTMENT HEAD (S):	N/A
SUBJECT / PROCEEDING:	REVIEW REVISIONS TO CODE OF ORDINANCES, SECTION 3 - NUISANCES		
EXHIBITS:	DRAFT OF CHANGES TO ORDINANCE NO. 1780		
CLEARANCES		APPROVAL	
LEGAL:	N/A	EXECUTIVE DIRECTOR:	N/A
PURCHASING:	N/A	ASST. CITY MANAGER:	STEVE GRIFFITH <i>SMG</i>
BUDGET:	N/A	CITY MANAGER:	ALLEN BOGARD <i>Allen Bogard</i>
BUDGET			
EXPENDITURE REQUIRED: \$		N/A	
CURRENT BUDGET: \$		N/A	
ADDITIONAL FUNDING: \$		N/A	
RECOMMENDED ACTION			
Review revisions to the Code Of Ordinances, Section 3 – Nuisances.			

EXECUTIVE SUMMARY

Due to the growth in the commercial areas of the City over the past years, the Police Department is now regularly addressing certain acts of misconduct that were not recurring issues in the past. Some of these issues are not thoroughly addressed by the current State Law. The Police Department is working with the Legal Department and recommends the following revisions to the Code of Ordinances:

Section 3 “Health and Safety”, Article VI “Nuisances”, Division I “In General”:

- Currently, the area addressing loud music from vehicles applies to residential areas only. A revision is recommended to make it a violation citywide.
- An additional section is being recommended to make it a violation to urinate or defecate on public property or in a public place.
- An additional section is being recommended to make it a violation to litter in public.

Discussion and input is requested from City Council.

EXHIBITS

ORDINANCE NO. 1780

AN ORDINANCE OF THE CITY OF SUGAR LAND, TEXAS, AMENDING CHAPTER THREE OF THE CODE OF ORDINANCES REGARDING NUISANCES; PROVIDING PENALTIES FOR VIOLATIONS OF THE ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS:

Section 1. That Section 3-101(d) is amended to read as follows:

(d) It is unlawful for a person to operate any radio, speaker, sound amplifier or similar device located within or upon a motor vehicle at a volume that is audible at a distance of more than 50 feet from the vehicle. The fact that the sound is audible at a distance of 50 feet from the vehicle is prima facie evidence of a violation of this subsection.

Section 2. That Article VI, Chapter 3, of the Code of Ordinances is amended by adding Sections 3-102 and 3-103 to read as follows:

Sec. 3-102. Public urination or defecation.

(a) In this section, *public place* means any place to which the public has access, including a street, sidewalk, park, plaza, or a parking garage.

(b) A person commits an offense if the person intentionally or knowingly urinates or defecates:

- (1) On public property; or
- (2) In or from a public place.

(c) It is a defense to prosecution under this section that the person was in a restroom or other facility designed to accommodate human waste.

Sec. 3-103. Littering.

(a) In this section:

Public place means any place to which the public has access, including a street, sidewalk, park, plaza, or a parking garage.

Solid waste has the meaning assigned by Section 3-148.

(b) A person commits an offense if the person intentionally or knowingly places any solid waste:

- (1) On public property;
- (2) In a public place; or

(3) On private property not under the control of that person unless the person has the consent of the owner or person exercising control of that property.

(c) Except as provided by Article IX, Chapter 3, it is a defense to prosecution under this section that the person placed the solid waste in a container designed to accommodate solid waste.

Section 3. That any person found guilty of violating this ordinance will be fined not more than \$2,000.00 for each offense. Notice of the enactment of this ordinance will be given by publishing the ordinance or its descriptive caption and penalty in the City's official newspaper one time within thirty days of passage.

Section 4. That the provisions of this ordinance are severable and the invalidity of any part of this ordinance will not affect the validity of the remainder of the ordinance.

APPROVED on first consideration on _____.

ADOPTED upon second consideration on _____.

James A. Thompson, Mayor

ATTEST:

Glenda Gundermann, City Secretary

Reviewed for Legal Compliance: